

RACHEL KREVANS (CA SBN 116421)
MATTHEW I. KREEGER (CA SBN 153793)
JASON A. CROTTY (CA SBN 196036)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522
RKrevans@mofo.com
MKreeger@mofo.com
JCrotty@mofo.com

Attorneys for Defendants
ECHOSTAR SATELLITE LLC AND
ECHOSTAR TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re

ACACIA MEDIA TECHNOLOGIES
CORPORATION

Case No. 05-CV-1114 JW
MDL No. 1665

**ECHOSTAR'S ADMINISTRATIVE
REQUEST TO FILE
DECLARATION OF MATTHEW I.
KREEGER IN SUPPORT OF
ECHOSTAR'S EXCEPTIONAL
CASE MOTION UNDER SEAL**

Date: TBD
Time: TBD
Courtroom: 8, 4th Floor
Judge: Hon. James Ware

1 Defendants EchoStar Satellite LLC and EchoStar Technologies Corporation (collectively
2 “EchoStar”) hereby move, pursuant to Northern District Local Rule 79-5, to file under seal the
3 Declaration of Matthew I. Kreeger in support of EchoStar’s Exceptional Case Motion and Exhibit
4 A attached thereto (hereinafter the “Kreeger Declaration”). Another declaration of Matthew I.
5 Kreeger (hereinafter “Kreeger Decl. II”) is filed concurrently in support of the instant request.

6 Under Local Rule 79-5(a), a request to file a document under seal must be “narrowly
7 tailored to seek sealing of only sealable material,” which includes information that “is privileged
8 or protectable as a trade secret or otherwise entitled to protection under the law.” In this instance,
9 EchoStar seeks the sealing of Mr. Kreeger’s declaration in support of EchoStar’s Exceptional
10 Case Motion in its entirety, including Exhibit A. The Kreeger Declaration and its Exhibit A
11 include detailed information about the work performed by the individuals at Morrison & Foerster
12 LLP during the course of this case, as well as the number of hours and billing rates invoiced to
13 EchoStar for that work. Kreeger Decl. II at ¶ 2. It also includes a summary of the particular
14 services provided to EchoStar and the division of labor among the Morrison & Foerster team. *Id.*
15 Morrison & Foerster’s billing rates generally, as well as the rates charged to EchoStar in this
16 particular matter, are not available to the public. Kreeger Decl. II at ¶ 3. Morrison & Foerster
17 considers such information proprietary. *Id.*

18 As detailing the fees charged to and paid by EchoStar in this case is the very purpose of
19 the Kreeger Declaration, it is appropriate to seal the Kreeger Declaration in its entirety even
20 though the Kreeger Declaration contains some introductory, public information about the
21 attorneys who worked on this case. Kreeger Decl. II at ¶ 4.

22 For these reasons, EchoStar asks that the Court grant EchoStar’s administrative request to
23 seal the Declaration of Matthew I. Kreeger in support of EchoStar’s Exceptional Case Motion and
24 Exhibit A attached thereto.

1 Respectfully submitted,

2 Dated: January 4, 2010

MORRISON & FOERSTER LLP

3 By: /s/ Rachel Krevans

4 Rachel Krevans

5 Rachel Krevans

6 Matthew I. Kreeger

7 Jason A. Crotty

8 Attorneys for Defendants

9 ECHOSTAR SATELLITE LLC and

10 ECHOSTAR TECHNOLOGIES CORP.